

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: May 21, 2008
Item No.: 5.a.
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S07-0026/Wright Septic System

APPLICANT: William M. and Elizabeth Wright

REQUEST: Special Use Permit to allow for a private campsite and the construction of a septic system for use by the property owner and guests.

LOCATION: West side of Ice House Road approximately 4 miles west of the intersection with Ice House Road and Road 12N78 in the Union Valley Area, Supervisorial District IV. (Exhibit A)

APN: 011-030-44 (Exhibit B)

ACREAGE: 5.16 acres

GENERAL PLAN: Natural Resource (NR) (Exhibit D)

ZONING: Agricultural Districts (A) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(b) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 15301(b) of the CEQA Guidelines; and.
2. Approve the Special Use Permit S07-0026 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The creation of APN 011-030-44 was by a grant deed O.R. 1110-318, dated March 8, 1972. A Certificate of Compliance was finalized for the subject parcel on February 6, 2004.

STAFF ANALYSIS

Project Description: The applicant is proposing to develop a single private campsite for personal use and construct a septic system for the purpose of connecting their recreational vehicle to the septic system for family use only (non-commercial). No proposal to construct any permanent structures accompanies this application request.

Site Description: The 5.16-acre site is located at the 4,880-foot elevation above sea level. The parcel is partially cleared but the majority of it is covered in mature and immature conifers with a few native shrubs and exotic grasses. There is an existing County approved well on the property and no other improvements.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	A	NR	Natural Resource, vacant.
North	A/AE	NR	Natural Resource, Union Valley Reservoir, two parcels, U.S. Forest Service owned.
South	A	NR	Natural Resource, Union Valley Reservoir, reservoir land owned by Sacramento Utility District.
East	A/TPZ	NR	Natural Resource, Union Valley Reservoir, reservoir land owned by Sacramento Utility District. 132-acre parcel across the water privately owned and currently a timber preserve.
West	A	NR	Natural Resource, vacant land.

Discussion: The subject parcel is located on a peninsula that juts out into Union Valley Reservoir. The surrounding parcels to the west and north range in size from 16 to 293 acres and are either timber preserves or used primarily for camping and recreation. The closest parcel zoned Timberland Preserve Zone (TPZ) is approximately 1,100 feet across the water within Union Valley Reservoir and to the east.

Site Access: The project site is accessed via Forest Service Road 12N78 which leads west off of Ice House Road and then to Forest Service road 12N30JE which runs southeast to the subject parcel's driveway. All roads have a dirt surface except for a short portion of Road 12N78 from Ice House Road which has an asphalt surface.

Septic System Capability Review: The El Dorado County Environmental Health Division has reviewed a septic design and percolation test performed by Wheeldon Geology and preliminarily

found that it proved the parcel has the capability to support a septic system. A final plan would be reviewed and approved prior to issuance of a septic system permit.

General Plan: The General Plan designates the subject site as Natural Resource (NR). The purpose of the Natural Resource (NR) designation is to *identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. This designation is normally applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings.* The proposed project is for the purpose of having a seasonal, private family campground for recreation during the summer months which would be compatible with the intended uses for the NR land use designation. **Policy 2.2.5.2** requires that applications for discretionary projects, such as a special use permit, shall be reviewed to determine consistency with General Plan policies and the following policies also apply:

Policy 2.2.5.21 directs that *development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.* Staff has found the septic system to allow family recreational uses can be found to be compatible with the surrounding agricultural/recreational/timber uses.

Policy 7.3.3.4 directs the County to provide buffers and special setbacks for the protection of riparian areas and wetlands. The septic system would be required to adhere to all setback requirements of the County Code for setbacks from Union Valley Reservoir and no other wetland features exist on the parcel. The proposed septic facilities would be reviewed and approved by the El Dorado County Environmental Health Division prior to issuance and any subsequent final approval.

Policy 8.1.3.2 directs that *agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.* The subject parcel is 5.16 acres in size and is therefore not subject to the 200-foot setback requirement.

Policy 8.2.2.2 states that *the approving authority shall find that the use will not substantially detract from agricultural production in the surrounding area and that it will be compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.* Staff finds that the proposal, as conditioned, and because no permanent structure is proposed, would be compatible as the majority of the surrounding parcels are 15 acres and larger and are involved in some sort of timber production or recreational use.

Policy 8.2.4.3 directs that *visitor serving uses may include but are not limited to: recreational fishing, camping, stables, lodging facilities, and campgrounds*. The applicants' personal camping site and related recreational use of the parcel, although not commercial, would be consistent with recreational uses allowed on agriculturally zoned lands with Special Use Permit approval.

Objective 9.3.8 concerns camping facilities to include *the expansion and development of additional Federal, State, and private overnight camping facilities including recreational vehicles and tent camping within the County while requiring appropriate mitigation of adverse environmental impacts*. The proposed campsite and septic system is consistent and compatible with recreational uses in Natural Resource designated areas with Special Use Permit approval and specific review for any potential significant environmental impacts.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The property is zoned Agricultural (A) and the purpose of A districts is *to provide for the orderly development of land having sufficient space and natural conditions compatible to horticultural and agricultural pursuits and to promote and encourage these pursuits by providing additional opportunities for the sale, packing, processing, and other related activities which tend to increase their economic viability and to provide for the protection from encroachment of unrelated uses tending to have adverse effects on the development of the area*. Uses listed in 17.36.040 (G) subject to the subject special use permit, include *recreational buildings and uses*. The applicant proposes establishing a private, single campsite for family camping and recreational uses only, with no structures proposed. Planning Services staff has determined the project would not be detrimental to potential agricultural and timber pursuits of the surrounding parcels. Section 17.36.050 requires that the minimum parcel size be ten acres. The subject parcel is 5.16-acres in size and is considered legally nonconforming.

Following approval of the Special Use Permit, uses and structures on the site are regulated by the SUP. An applicant is no longer entitled to the uses allowed by right once a SUP is granted. The SUP process provides for project review, CEQA analysis, and application of conditions to mitigate impacts and ensure compatibility with adjoining land uses. Once a project triggers a special use permit, all uses on that property are then covered under the SUP. This would include all structures and other uses on the site. The CEQA analysis must consider all of the uses and activities that are proposed, not just those uses sought under the SUP. In summary, the uses permitted are only those allowed by the SUP.

Other Issues:

Applicable State Laws: The following California Health and Safety Codes are related to camping:

Section 18897 (a) defines organized camp as *a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual,*

educational, or recreational objectives, for five days or more during one or more seasons of the year. The El Dorado County Environmental Health Division has recommended a condition that prohibits the use of the subject parcel for organized camp activities (example Boy Scouts without first obtaining all the necessary permits).

Section 18897.6 relates to regulation of camps by state agencies and states that *organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps and this section shall not be construed to limit the application of building standards published in the State Building Standards Code to structures in organized camps.* **Section 18897.7** relates to violations and states that *no organized camp shall be operated in this state unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed in building standards published in the State Building Standards Code relating to organized camps, and in other rules and regulations adopted by the State Director of Public Health and the State fire Marshal. Any violation of this section or of any building standard published in the State Building Standards Code relating to organized camps or any other rule for regulation adopted pursuant to Section 18897.2 or 18897.3 in the operation of organized camps is a misdemeanor.* Sections 18897.6 and 18897.7 further substantiate the request by the El Dorado County Environmental Health Division to prohibit organizations from using the subject parcel for camping.

Section 18871.4 (a) states that *it is unlawful to permit any wastewater, sewage, or waste material from any plumbing fixtures in a park, any park sewage or waste disposal system, or any plumbing fixtures in a manufactured home, mobile home, recreational vehicle, accessory structure, or permanent building in the park, to be discharged onto or deposited upon the ground.* The proposed septic system will prevent this from occurring.

Section 18871.9 (c) states that, for camping areas, the *dates of occupancy, not to exceed 30 days annually.* The El Dorado County Environmental Health Division has recommended a condition that prohibits the length of occupancy to exceed 30 days annually.

ENVIRONMENTAL REVIEW

This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15301(b) of the CEQA Guidelines related to minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This section relates to existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services that involve negligible or no expansion of an existing use. The site has a previously cleared portion and contains no native vegetation that is proposed to be removed, does not contain riparian habitat or wetlands on the parcel and has sufficient room for appropriate setbacks for a septic system from Union Valley Reservoir, is not located in an area known to contain protected species, and will not conflict with

any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Parcelization Map (Assessor's Map)
Exhibit C	Applicant submitted <i>Plat</i> map dated December 1980
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Applicant-submitted <i>Site Map</i>
Exhibit F	U.S.G.S. Quadrangles map
Exhibits G1 and I2	Site Visit Photos from September 21, 2007
Exhibits H1 and H2	Aerial Photos

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number S07-0026
Wright Septic System Special Use Permit

CONDITIONS OF APPROVAL

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A through H2 dated May 21, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of this Special Use Permit allows for a single private campsite and the construction of a septic system for the purpose of connecting a recreational vehicle to the septic system. The campsite is for the exclusive use by the property owner and guests. Construction of any permanent structures is not permitted. Installation of a water storage tank and generator, both to support the well is permitted. The construction of any structures or uses would be subject to review by Planning Services for determination if a revision to the Special Use Permit is required.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Site Specific and Standard Conditions

2. A sound diffuser/muffler shall be kept on any generator used on the parcel.
3. In the event any neighboring parcel owners propose to harvest any timber on their property, the recreational vehicle shall be removed from the site during that harvesting if said harvesting occurs within 200 feet of the campsite.

4. The premises shall be maintained in compliance with all County Ordinances.
5. The length of occupancy shall not exceed thirty (30) days annually.
6. The recreational vehicle shall be removed from the property when not in use.
7. The property is not to be used for organized camp activities (example Boy Scouts) without first obtaining all the necessary permits.
8. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
9. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
10. Prior to issuance of a septic system permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation to Planning Services, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also submit a letter to Planning Services from the El Dorado County Environmental Health Division prior to issuance of a septic system permit for verification of compliance with applicable conditions of approval.
11. The applicant shall make the actual and full payment of planning processing fees for the Special Use Permit map application prior to filing the issuance of any development permit.
12. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

El Dorado County Environmental Health Division

13. The septic system shall be subject to permit review and approval by the El Dorado County Environmental Health Division.

ATTACHMENT 2 FINDINGS

FILE NUMBER S07-0026

1.0 CEQA Findings

- 1.1 El Dorado County has found that the project is Categorical Exempt from the requirements of CEQA pursuant to Section 15301(b) of the CEQA Guidelines related to minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This section relates to existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services that involve negligible or no expansion of an existing use. The site has a previously cleared portion and contains no native vegetation that is proposed to be removed, does not contain riparian habitat or wetlands on the parcel and has sufficient room for appropriate setbacks for a septic system from Union Valley Reservoir, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site as Natural Resource (NR) because the proposed project is for the purpose of having a septic system to support a seasonal, private family campground for recreation during the summer months which would be compatible with the intended uses for the NR land use designation for recreational uses.
- 2.2 As conditioned and mitigated, the proposal is consistent with the intent of General Plan Policies 2.2.5.21, 7.3.3.4, 8.1.3.1, 8.2.2.2, 8.2.4.3, 8.2.4.4, and Objective 9.3.8 because of the review for General Plan consistency and impacts of the proposal on existing natural resources and compatibility with the surrounding parcels, and due to preliminary positive review of the proposal by the El Dorado County Environmental Health Division.

3.0 Zoning Findings

- 3.1 The project is zoned Agricultural (A) and uses listed in 17.36.040 become subject to the subject special use permit outside of those allowed by right and subsection G requires a Special Use Permit for *recreational buildings and uses*. The applicant proposes family camping/recreational uses only, not commercial, which would be enhanced by the septic

system and no structures except a water tank are proposed. As conditioned, the recreational use is found to be consistent with the A zone district.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of a septic system, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to County Code Sections 17.36.040.G.**